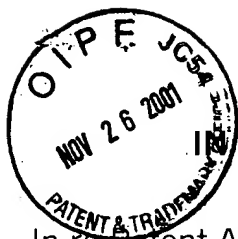


#3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

von BORSTEL et al

Serial No. 09/930,494

Filed: August 16, 2001

For: COMPOSITIONS AND METHODS FOR  
TREATMENT OF MITOCHONDRIAL  
DISEASES

Batch No.:

Allowed:

Atty Ref.: 1331-352

Group:

Examiner:

\* \* \* \* \*

November 26, 2001

Assistant Commissioner for Patents  
Washington, DC 20231

**SUBMISSION OF FORMAL DRAWINGS**

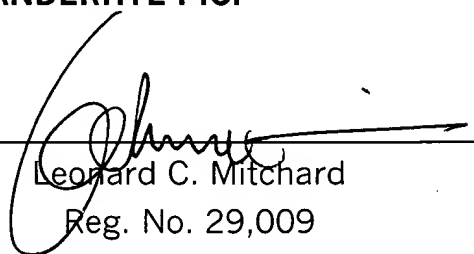
Sir:

Enclosed herewith are 16 sheets of formal, inked drawings for the above-  
identified application.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Leonard C. Mitchard  
Reg. No. 29,009

LCM:lks  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Attention: Application Branch

von BORSTEL et al

Atty. Dkt. 1331-352

Serial No. 09/930,494

NOV 26 2001

Filed: August 16, 2001

Date: November 26, 2001

For: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL DISEASES

Assistant Commissioner for Patents  
Washington, D.C. 20231The attached completes filing of the above-identified patent application:

- ☒ Signed Rule 63 Declaration alone, ☐ Copy of Declaration from prior application alone, OR  
☐ Signed Declaration plus attached copy of originally filed specification/drawings.  
☒ **NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED** form.  
☐ Record the attached assignment and return to the undersigned.  
☐ Attached is a Power of Attorney.  
☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:
- | Application Number | Country | Day/Month/Year Filed |
|--------------------|---------|----------------------|
|--------------------|---------|----------------------|

respectively.

- ☒ Certified copy(ies) of foreign application(s) is/are attached.  
☐ Certified copy(ies) filed on \_\_\_\_\_ in prior application no. \_\_\_\_\_, filed \_\_\_\_\_.  
☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.  
☐ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee.  
☒ Also attached: ☐ Information Disclosure Statement; ☐ Nucleotide and/or Amino Acid  
☐ Sequence Submission; ☐ Other: Corrected Formal Drawings

**Fees due are calculated below:**

Basic filing fee					\$	740.00
Total Effective claims	50	- 20 =	30	x \$	18.00	\$ 540.00
Independent claims	8	- 3 =	5	x \$	84.00	\$ 420.00
If any proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)						\$ 0.00
					<b>FILING FEE</b>	\$ 1,700.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months; \$1440.00/4 months)						\$ 0.00
Surcharge (\$130.00) if Declaration or filing fee first now submitted						\$ 130.00
English translation of specification and claims (\$130.00)						\$ 0.00
					<b>FIRST SUBTOTAL</b>	\$ 1,830.00
If "small entity," enter half (½) of subtotal and subtract						-\$ 0.00
					<b>SECOND SUBTOTAL</b>	\$ 1,830.00
Assignment Recording Fee (\$40.00)						\$ 0.00
					<b>TOTAL FEE DUE</b>	\$ 1,830.00
					Check enclosed (Pre-Bill)*	\$ 1780.00
					Check enclosed (non Pre-Bill)*	\$ 50.00
					<b>TOTAL FEE ENCLOSED</b>	\$ 1830.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
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LCM:lks

**NIXON & VANDERHYE P.C.**

By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: 

\*For N&amp;V internal accounting purposes



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/930,494	08/16/2001	Reid W. Von Borstel	1331-352

CONFIRMATION NO. 1560

## FORMALITIES LETTER



\*OC000000006793899\*

NIXON & VANDERHYE P.C.  
8th Floor  
1100 North Glebe Road  
Arlington, VA 22201

Date Mailed: 09/26/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/27/2001 EAREGAY1 00000048 09930494

FILED UNDER 37 CFR 1.53(b)

01 FC:101	740.00 OP
02 FC:102	420.00 OP
03 FC:103	540.00 OP
04 FC:105	130.00 OP

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$940.
  - \$540 for 30 total claims over 20.
  - \$400 for 5 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1780.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice MUST be returned with the reply.*

Ulthorne

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

109217-4640E660